

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

HOME BUYERS WARRANTY CORPORATION

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07CV468DPJ-JSC

ROY L. JEFFERS AND BRENDA JEFFERS

DEFENDANTS

ORDER

THIS CASE is before the Court on the Petition of Home Buyers Warranty Corporation (“HBW”) to compel arbitration of the claims asserted against it by Roy and Brenda Jeffers in separate state court litigation, all of which relate to damages to their home, and to stay that separate state court litigation as to the claims asserted against HBW only, pending completion of the arbitration proceedings. The Court conducted an evidentiary hearing on March 11, 2009, followed by legal argument, which hearing was reopened on March 17, 2009. For the reasons set forth by the Court on the record, the Court is of the opinion that the Petition filed by HBW is well taken and should be GRANTED.

IT IS THEREFORE ORDERED that Roy and Brenda Jeffers are compelled to arbitrate the claims asserted against HBW in *Roy Jeffers and Brenda Jeffers v. Coomes Properties, Inc. et al.*, Circuit Court of Rankin County, Mississippi, Civil Action No. 2003-115, in accordance with the provisions in the applicable warranty contract (HBW 307 10/1/99).

ORDERED that, pursuant to 28 U.S.C. § 2283, the separate state court litigation commenced by Roy and Brenda Jeffers (Circuit Court of Rankin County, Cause No. 2003-115) is stayed as to HBW pending conclusion of the arbitration herein ordered.

AND FURTHER ORDERED that because arbitration has been compelled, and all issues in this case disposed of, the Clerk of the Court is to administratively close this case. Either party may seek, by motion, to reopen this case in the event further action is required by the Court.

SO ORDERED AND ADJUDGED this the 23th day of March, 2009.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM:

s/Michael S. MacInnis
MICHAEL S. MACINNIS
For Roy and Brenda Jeffers

s/Robert B. Ireland, III
SUSAN L. STEFFEY
ROBERT B. IRELAND, III
For Home Buyers Warranty Corporation